COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. VA0060569

Effective Date: July 1, 2012
Expiration Date: June 30, 2017

AUTHORIZATION TO DISCHARGE UNDER THE

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I and Part II, as set forth herein.

Owner:	RL Prop 2011-1 Investments, LLC
Facility Name:	Windmill Point Resort & Yacht Harbor Wastewater Treatment Plant (WWTP)
County:	Lancaster
Facility Location:	56 Windjammer Lane, Whitestone VA 22578

The owner is authorized to discharge to the following receiving streams:

Outfall:	001
Stream:	Windmill Point Boat Basin, tributary of Rappahannock River
River Basin:	Rappahannock River
River Subbasin:	N/A
Section:	1
Class:	II
Special Standards:	a

Deputy Regional Director, Piedmont Regional Office

28 June 2012

Date

A. Limitations and Monitoring Requirements – 0.030 MGD Plant (Existing)

1. During the period beginning with the permit's effective date and lasting until the earlier of either the permit's expiration date, or a Certificate to Operate (CTO) is issued for the 0.040 MGD or 0.080 MGD treatment works, the permittee is authorized to discharge from Outfall 001. This discharge shall be limited and monitored as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	MONTHLY AVERAGE		WEEKLY AVERAGE		MINIMUM	MAXIMUM	FREQUENCY	SAMPLE TYPE
Flow (MGD) [(a)]	NL		NA		NA	NL	1 per Day	Estimate
pH	NA		NA		6.0 SU	9.0 SU	1 per Day	Grab
BOD_5 [(b)]	30 mg/L	3400 g/d	45 mg/L	5100 g/d	NA	NA	1 per Month	Grab
Total Suspended Solids (TSS) [(b)]	30 mg/L	3400 g/d	45 mg/L	5100 g/d	NA	NA	1 per Month	Grab
Total Residual Chlorine (TRC) [(c)]	13 µg/L		16 µg/L		NA	NA	1 per Day	Grab
Ammonia as N	2.32 mg/L		2.32 mg/L		NA	NA	1 per Month	Grab
Dissolved Oxygen (DO)[(e)]	NA		NA		5.0 mg/L	NA	1 per Day	Grab
Fecal Coliform [(c)(d)]	200 N / 100 mL (Geometric Mean)		NA		NA	NL	4 per Month (between 10am and 4pm)	Grab
Enterococci [(c)(d)]	35 N / 100 mL (Geometric Mean)		NA		NA	NL	4 per Month (between 10am and 4pm)	Grab

"NL" means no limitation is established. Monitoring and reporting however are required. "NA" means not applicable.

(a) The design flow of this treatment facility is **0.030 MGD** (30,000 gpd). See Part I.C.2 for additional flow requirements.
(b) These limitations are expressed in two significant figures
(c) Additional TRC limitations and Bacterial requirements are contained in Part I.B
(d) "4 per Month" means four samples collected each month, at least 7 days apart.
(e) A 4-year schedule of compliance applies to this limitation, please see Part I.C.1 for further information.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. At least 85% removal for BOD_5 and TSS must be attained for this effluent.

A. Limitations and Monitoring Requirements – 0.040 MGD Plant

4. During the period beginning with the issuance of a CTO for the 0.040 MGD treatment works and lasting until either the permit's expiration date, or until a CTO is issued for the 0.080 MGD treatment works, the permittee is authorized to discharge from Outfall 001. This discharge shall be limited and monitored as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	MONTHLY AVERAGE		WEEKLY AVERAGE		MINIMUM	MAXIMUM	FREQUENCY	SAMPLE TYPE
Flow (MGD) [(a)]	NL		NA		NA	NL	1 per Day	Estimate
pH	NA		NA		6.0 SU	9.0 SU	1 per Day	Grab
BOD_5 [(b)]	30 mg/L	4500 g/d	45 mg/L	6800 g/d	NA	NA	1 per Month	Grab
Total Suspended Solids (TSS) [(b)]	30 mg/L	4500 g/d	45 mg/L	6800 g/d	NA	NA	1 per Month	Grab
Total Residual Chlorine (TRC) [(c)]	13 µg/L		16 µg/L		NA	NA	1 per Day	Grab
Ammonia as N	8.98 mg/L		8.98 mg/L		NA	NA	1 per Month	Grab
Dissolved Oxygen (DO)	NA		NA		5.0 mg/L	NA	1 per Day	Grab
Fecal Coliform [(c)(d)]	200 N / 100 mL (Geometric Mean)		NA		NA	NL	4 per Month (between 10am and 4pm)	Grab
Enterococci [(c)(d)]	35 N / 100 mL (Geometric Mean)		NA		NA	NL	4 per Month (between 10am and 4pm)	Grab
Total Phosphorus- Annual Average[(e)(g)]	1.9 mg/L		NA		NA	NA	1 per Year	Calculated
Total Nitrogen- Annual Average[(e)(f)(g)]	14 mg/L		NA		NA	NA	1 per Year	Calculated
Total Phosphorus – Year-to-Date (mg/L)[(e)]	NL		NA		NA	NA	1 per Month	Calculated
Total Nitrogen– Year-to-Date (mg/L)[(e)(f)]	NL		NA		NA	NA	1 per Month	Calculated

"NL" means no limitation is established. Monitoring and reporting however are required. "NA" means not applicable.

(a) The design flow of this treatment facility is **0.040 MGD** (40,000 gpd). See Part I.C.2 for additional flow requirements.
(b) These limitations are expressed in two significant figures
(c) Additional TRC limitations and Bacterial requirements are contained in Part I.B
(d) "4/Month" means four samples collected each month, at least 7 days apart.
(e) In addition to any Total Nitrogen or Total Phosphorus concentration limits (or monitoring requirements without associated limits) listed above, this facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN020115, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Dischargers and Nutrient Trading in the Chesapeake Watershed in Virginia.
(f) Total Nitrogen, which is the sum of Total Kjeldahl Nitrogen and Nitrates plus Nitrites, shall be derived from the results of those tests.
(g) See Parts I.C.13 and I.C.14 for additional nutrient reporting requirements.

5. There shall be no discharge of floating solids or visible foam in other than trace amounts.
6. At least 85% removal for BOD_5 and TSS must be attained for this effluent.

A. Limitations and Monitoring Requirements - 0.080 MGD Plant

7. During the period beginning with the issuance of a CTO for the **0.080 MGD** treatment works and lasting until the permit's expiration date, the permittee is authorized to discharge from Outfall 001. This discharge shall be limited and monitored as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	MONTHLY AVERAGE		WEEKLY AVERAGE		MINIMUM	MAXIMUM	FREQUENCY	SAMPLE TYPE
Flow (MGD) [(a)]	NL		NA		NA	NL	Continuous	Totalizing, Indicating, & Recording
pH	NA		NA		6.0 SU	9.0 SU	1 per Day	Grab
BOD_5 [(b)]	30 mg/L	9100 g/d	45 mg/L	14000 g/d	NA	NA	1 per Week	4-Hour Composite
Total Suspended Solids (TSS) [(b)]	30 mg/L	9100 g/d	45 mg/L	14000 g/d	NA	NA	1 per Month	4-Hour Composite
Total Residual Chlorine (TRC) [(c)]	12 µg/L		14 µg/L		NA	NA	3 per Day at 4-Hour Intervals	Grab
Ammonia as N	6.14 mg/L		8.98 mg/L		NA	NA	1 per Week	4-Hour Composite
Dissolved Oxygen (DO)	NA		NA		5.0 mg/L	NA	1 per Day	Grab
Fecal Coliform [(c)(d)]	200 N / 100 mL (Geometric Mean)		NA		NA	NL	4 per Month (between 10am and 4pm)	Grab
Enterococci [(c)(d)]	35 N / 100 mL (Geometric Mean)		NA		NA	NL	4 per Month (between 10am and 4pm)	Grab
Total Phosphorus- Annual Average[(e)(g)]	0.9 mg/L		NA		NA	NA	1 per Year	Calculated
Total Nitrogen- Annual Average[(e)(f)(g)]	7.0 mg/L		NA		NA	NA	1 per Year	Calculated
Total Phosphorus – Year-to-Date (mg/L)[(e)]	NL		NA		NA	NA	1 per Month	Calculated
Total Nitrogen– Year-to-Date (mg/L)[(e)(f)]	NL		NA		NA	NA	1 per Month	Calculated

"NL" means no limitation is established. Monitoring and reporting however are required. "NA" means not applicable.

(a) The design flow of this treatment facility is **0.080 MGD** (80,000 gpd). See Part I.C.2 for additional flow requirements.
(b) These limitations are expressed in two significant figures
(c) Additional TRC limitations and Bacterial requirements are contained in Part I.B
(d) "4/Month" means four samples collected each month, at least 7 days apart.
(e) In addition to any Total Nitrogen or Total Phosphorus concentration limits (or monitoring requirements without associated limits) listed above, this facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN020115, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Dischargers and Nutrient Trading in the Chesapeake Watershed in Virginia.
(f) Total Nitrogen, which is the sum of Total Kjeldahl Nitrogen and Nitrates plus Nitrites, shall be derived from the results of those tests.
(g) See Parts I.C.13 and I.C.14 for additional nutrient reporting requirements.

8. There shall be no discharge of floating solids or visible foam in other than trace amounts.
9. At least 85% removal for BOD_5 and TSS must be attained for this effluent.

B. Additional TRC Limitations and Monitoring Requirements

1. The permittee shall monitor the TRC at the outlet of each operating chlorine contact tank:

   a. One (1) time per day by grab sample for the 0.030 MGD and 0.040 MGD Plant

   b. Three (3) times per day at four hour intervals by grab sample for the 0.080 MGD Plant

2. No more than:

   a. Three (3) of all samples taken at the outlet of each chlorine contact tank shall be less than **1.5 mg/l** for any one calendar month. *(DMR # 157)* for the 0.030 MGD and 0.040 MGD Plants.

   b. Nine (9) of all samples taken at the outlet of each chlorine contact tank shall be less than **1.5 mg/l** for any one calendar month *(DMR # 157)* for the 0.080 MGD Plant

3. No TRC sample collected at each outlet of the chlorine contact tank shall be less than **0.60 mg/l** *(DMR # 213)*.

4. If dechlorination facilities exist the samples above shall be collected prior to dechlorination.

5. If chlorine disinfection is not used, enterococci and Fecal coliform shall be limited and monitored by the permittee as specified below, and this requirement, if applicable, shall substitute for the TRC and enterococci / Fecal coliform requirements delineated elsewhere in Part I of this permit.

	MONTHLY AVERAGE (GEOMETRIC MEAN)	FREQUENCY			SAMPLE TYPE
		0.030 MGD Plant	0.040 MGD Plant	0.080 MGD Plant	
Enterococci (N/100 ml)	35	**1 per Week (between 10am-4pm)**	**1 per Week (between 10am-4pm)**	**2 per Week (between 10am-4pm)**	Grab
Fecal coliform (N/100 ml)	200	**1 per Week (between 10am-4pm)**	**1 per Week (between 10am-4pm)**	**2 per Week (between 10am-4pm)**	Grab

C. Other Requirements or Special Conditions

1. **Schedule of Compliance:** The permittee shall achieve compliance with the monitoring requirements and limitations for **Dissolved Oxygen** in **Part I.A.1** (0.030 MGD plant) in accordance with the following schedule:

1. Prepare Progress Reports	Annually from the effective date of the permit
2. Achieve Compliance with Final Effluent Limitation	No later than the earlier of **4 years** after the effective date of the permit reissuance, or issuance of a CTO for the 0.040 MGD or 0.080 MGD treatment works.

No later than 14 calendar days following the dates identified in the above schedule of compliance, the permittee shall submit to the DEQ Piedmont Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

2. **95% Capacity Reopener:** A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the DEQ, Piedmont Regional Office when the monthly average flow influent to the sewage treatment works reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period**.** The written notice shall be submitted within 30 days and the plan of action shall be received at the Piedmont Regional Office no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of the permit.

3. **Operations and Maintenance Manual Requirement:** The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and Sewage Collection and Treatment Regulations, 9VAC25-790.

   The O&M Manual and subsequent revisions shall include the manual effective date and meet Part II.K.2 and Part II.K.4 Signatory Requirements of the permit. Any changes in the practices and procedures followed by the permittee shall be documented in the O&M Manual no later than 90 days following the effective date of the changes. The permittee shall operate the treatment works in accordance with the O&M Manual and shall make the O&M manual available to Department personnel for review during facility inspections. No later than 30 days following a request by DEQ, the current O&M Manual shall be submitted to the DEQ Regional Office for review and approval.

   The O&M manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

   a. Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples;

   b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;

   c. Discussion of Best Management Practices, if applicable;

   d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.C.9 that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids, and pollutants (e.g. chemicals) stored at this facility;

   e. Discussion of treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping;

   f. Plan for the management and/or disposal of waste solids and residues;

   g. Hours of operation and staffing requirements for the plant to ensure effective operation of

the treatment works and maintain permit compliance;

h. List of facility, local and state emergency contacts; and,

i. Procedures for reporting and responding to any spills/overflows/treatment works upsets.

4. **Licensed Operator Requirement:** The permittee shall employ or contract at least one Class IV licensed wastewater works operator for the 0.030 MGD facility, and at least one Class III licensed wastewater works operator for the 0.040 MGD and 0.080 MGD facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

5. **Reliability Class**: The permitted treatment works shall meet Reliability Class I.

6. **Sludge Use and Disposal**: The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ approval no later than 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.

7. **Sludge Reopener**: The Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

8. **Compliance Reporting**:

   a. The quantification levels (QL) shall be less than or equal to the following concentrations:

Effluent Characteristic	Quantification Level
BOD_5	2 mg/L
TSS	1.0 mg/L
TRC	0.10 mg/L
Ammonia	0.20 mg/L

   The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained. The permittee shall use any method in accordance with Part II A of this permit.

   b. Reporting

   Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All

concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported monthly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities

Weekly Average -- Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the weekly average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported weekly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the maximum weekly average of the calculated daily quantities.

c. Any single datum required shall be reported as "<QL" if it is less than the QL used for the analysis (QL must be less than or equal to the QL listed in a. above). Otherwise the numerical value shall be reported.

d. The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

9. **Materials Storage and Handling:** Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner, and consistent with Best Management Practices, so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized.

10. **Reopeners:** This permit may be modified or, alternatively, revoked and reissued:

a. If any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements;

b. To incorporate technology-based effluent concentration limitations for nutrients in conjunction with the installation of nutrient control technology, whether by new construction, expansion or upgrade, or

c. To incorporate alternative nutrient limitations and/or monitoring requirements, should:
   (1) the State Water Control Board adopt new nutrient standards for the water body receiving the discharge, including the Chesapeake Bay or its tributaries, or
   (2) a future water quality regulation or statute requiring new or alternative nutrient control.

11. **Indirect Dischargers:** The permittee shall provide adequate notice to the Department of the following:

    a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of the Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and

    b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

    Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

12. **CTC, CTO Requirement**: The permittee shall, in accordance with the DEQ Sewage Collection and Treatment Regulation (9VAC25-790), obtain a Certificate to Construct (CTC), and a Certificate to Operate (CTO) from the DEQ Office of Wastewater Engineering (for Water Quality Improvement Funded (WQIF) projects) or submitted by the design engineer and owner to the DEQ regional water permit manager (for non WQIF projects) prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.

    Upon issuance of a CTC for nutrient control technology, DEQ staff shall initiate modification, or alternately, revocation and reissuance, of this permit, to include annual concentration limits based on the nutrient removal technology listed in the CTC. Upon issuance of a CTO, any nutrient removal facilities installed shall be operated to achieve design effluent Total Nitrogen and Total Phosphorus concentrations.

13. **Nutrient Reporting Calculations (0.040 MGD and 0.080 MGD Plants):** For each calendar month, the DMR shall show the calendar year-to-date average concentration (mg/L) calculated in accordance with the following formulae:

    $$\mathbf{AC_{avg}\text{-}YTD = (\sum_{(Jan\text{-}current\ month)} MC_{avg}) \div (\#\ of\ months)}$$

    where:
    AC_{avg}-YTD = calendar year-to-date average concentration (mg/L) (parameter codes 805 and 806)
    MC_{avg} = monthly average concentration (mg/L) as reported on the Nutrient General Permit DMR

    The total nitrogen and phosphorus average concentration (mg/L) for each calendar year (AC) shall be shown on the December DMR due January 10th of the following year. These values shall be calculated in accordance with the following formulae:

    $$\mathbf{AC_{avg} = (\sum_{(Jan\text{-}Dec)} MC_{avg}) \div 12}$$

    where:
    AC_{avg} = calendar year average concentration (mg/L) (parameter codes 792 and 794)

MC_{avg} = monthly average concentration (mg/L) as reported on the Nutrient General Permit DMR

For Total Phosphorus, all daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

For Total Nitrogen (TN), if none of the daily concentration data for the respective species (i.e., TKN, Nitrates/Nitrites) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

14. **Suspension of Annual Average Concentration Limitations for E3/E4 Facilities:** The annual average concentration limitation for Total Nitrogen and/or Total Phosphorus is suspended during any calendar year in which the facility is considered by DEQ to be a participant in the Virginia Environmental Excellence Program in good standing at either the Exemplary Environmental Enterprise (E3) level or the Extraordinary Environmental Enterprise (E4) level, provided that the following conditions have also been met:

    a. The facility has applied for (or renewed) participation, been accepted, maintained a record of sustained compliance and submitted an annual report according to the program guidelines;

    b. The facility has demonstrated that they have in place a fully implemented environmental management system (EMS) with an alternative compliance method that includes operation of installed nutrient removal technologies to achieve the annual average concentration limitations, and

    c. The E3/E4 designation from DEQ and implementation of the EMS has been in effect for the full calendar year.

    The annual average concentration limitations for Total Nitrogen and/or Phosphorus, as applicable, are not suspended in any calendar year following a year in which the facility failed to achieve the annual average concentration limitations as required by b. above.

15. **Financial Assurance and Disclosure to Purchasers - 0.030 MGD Plant Only:**
    The permittee shall provide continuous coverage to implement the approved closure plan until released from financial assurance requirements by the State Water Control Board. If a transfer of ownership or operational control of this facility occurs, the permittee shall comply with the requirements of 9VAC25-650 until the new owner or operator has demonstrated compliance with the requirements of 9VAC25-650. Failure to maintain adequate financial assurance in accordance with 9VAC25-650 shall be a basis for termination of this VDPES permit.

    During the term of this VPDES permit, the permittee shall revise the closure plan implementation cost estimate concurrently with any revision made to the closure plan which increases the closure plan cost. At a minimum, the permittee shall annually adjust the closure plan implementation cost estimate in accordance with 9VAC25-650 within 60 days prior to the anniversary date of the establishment of the approved financial assurance mechanism.

    The permittee shall disclose the provisions of this permit to all purchasers of property served by this permitted facility in accordance with Section 55-519 of the Code of Virginia.

16. **Treatment Works Closure Plan – 0.040 MGD and/or 0.080 MGD Plant**: If the permittee plans an expansion or upgrade to replace the existing treatment works, or if facilities are permanently closed, the permittee shall submit to the DEQ Regional Office a closure plan for the existing treatment works. The plan shall address the following information as a minimum: Verification of elimination of sources and/or alternate treatment scheme; treatment, removal and final disposition of residual wastewater and solids; removal/demolition/disposal of structures, equipment, piping and appurtenances; site grading, and erosion and sediment control; restoration of site vegetation; access control; fill materials; and proposed land use (post-closure) of the site. The plan should contain proposed dates for beginning and completion of the work. The plan must be approved by the DEQ prior to implementation.

17. **Water Quality Criteria Monitoring:** The permittee shall sample the effluent at Outfall 001 for the substances noted in Attachment A, "Water Quality Criteria Monitoring" according to the respective monitoring and reporting schedule of sub-parts a) and b), below, and the analysis number, quantification level, and sample type indicated on Attachment A. Monitoring and analysis shall be conducted in accordance with 40 CFR Part 136 or alternative EPA approved methods. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures. The DEQ will use these data for making specific permit decisions in the future. This permit may be modified or, alternatively, revoked and reissued to incorporate limits for any of the substances listed in Attachment A.

    a. **0.040 MGD Plant**: Monitoring for the Attachment A substances shall be initiated no later than one year following the issuance date of a CTO for the 0.040 MGD plant. Using Attachment A as the reporting form, the data shall be submitted no later than two years following the issuance date of a CTO for the 0.040 MGD plant, or with the permit reissuance application if the CTO issuance date is less than two years prior to the expiration date of this permit.

    b. **0.080 MGD Plant**: Monitoring for the Attachment A substances shall be initiated no later than one year following the issuance date of a CTO for the 0.080 MGD plant. Using Attachment A as the reporting form, the data shall be submitted no later than two years following the issuance date of a CTO for the 0.080 MGD plant, or with the permit reissuance application if the CTO issuance date is less than two years prior to the expiration date of this permit.

18. **Instream Construction/Activity Restriction:** Any instream work associated with an increase in flow to the 0.040 MGD or 0.080 MGD plant must not take place during the time of February 15 through June 30 in order to protect anadromous fish migration.

ATTACHMENT A
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY CRITERIA MONITORING

CASRN#	CHEMICAL	EPA ANALYSIS NO.	QUANTIFICATION LEVEL[1]	REPORTING RESULTS	SAMPLE TYPE[2]	SAMPLE FREQUENCY
METALS						
7440-36-0	Antimony, dissolved	(3)	6400		G or C	1/5 YR
7440-38-2	Arsenic, dissolved	(3)	55		G or C	1/5 YR
7440-43-9	Cadmium, dissolved	(3)	32		G or C	1/5 YR
16065-83-1	Chromium III, dissolved [8]	(3)	300		G or C	1/5 YR
18540-29-9	Chromium VI, dissolved [8]	(3)	300		G or C	1/5 YR
7440-50-8	Copper, dissolved	(3)	7.4		G or C	1/5 YR
7439-92-1	Lead, dissolved	(3)	56		G or C	1/5 YR
7439-97-6	Mercury, dissolved	(3)	1.4		G or C	1/5 YR
7440-02-0	Nickel, dissolved	(3)	49		G or C	1/5 YR
7782-49-2	Selenium, dissolved	(3)	230		G or C	1/5 YR
7440-22-4	Silver, dissolved	(3)	1.5		G or C	1/5 YR
7440-28-0	Thallium, dissolved	(4)	(5)		G or C	1/5 YR
7440-66-6	Zinc, dissolved	(3)	72		G or C	1/5 YR
PESTICIDES/PCB'S						
309-00-2	Aldrin	608	0.05		G or C	1/5 YR
57-74-9	Chlordane	608	0.2		G or C	1/5 YR
2921-88-2	Chlorpyrifos (synonym = Dursban)	(4)	(5)		G or C	1/5 YR
72-54-8	DDD	608	0.1		G or C	1/5 YR
72-55-9	DDE	608	0.1		G or C	1/5 YR
50-29-3	DDT	608	0.1		G or C	1/5 YR
8065-48-3	Demeton	(4)	(5)		G or C	1/5 YR
333-41-5	Diazinon	(4)	(5)		G or C	1/5 YR
60-57-1	Dieldrin	608	0.1		G or C	1/5 YR
959-98-8	Alpha-Endosulfan	608	0.1		G or C	1/5 YR
33213-65-9	Beta-Endosulfan	608	0.1		G or C	1/5 YR

CASRN#	CHEMICAL	EPA ANALYSIS NO.	QUANTIFICATION LEVEL[1]	REPORTING RESULTS	SAMPLE TYPE[2]	SAMPLE FREQUENCY
1031-07-8	Endosulfan Sulfate	608	0.1		G or C	1/5 YR
72-20-8	Endrin	608	0.1		G or C	1/5 YR
7421-93-4	Endrin Aldehyde	(4)	(5)		G or C	1/5 YR
86-50-0	Guthion	(4)	(5)		G or C	1/5 YR
76-44-8	Heptachlor	608	0.05		G or C	1/5 YR
1024-57-3	Heptachlor Epoxide	(4)	(5)		G or C	1/5 YR
319-84-6	Hexachlorocyclohexane Alpha-BHC	608	(5)		G or C	1/5 YR
319-85-7	Hexachlorocyclohexane Beta-BHC	608	(5)		G or C	1/5 YR
58-89-9	Hexachlorocyclohexane Gamma-BHC or Lindane	608	(5)		G or C	1/5 YR
143-50-0	Kepone	(9)	(5)		G or C	1/5 YR
121-75-5	Malathion	(4)	(5)		G or C	1/5 YR
72-43-5	Methoxychlor	(4)	(5)		G or C	1/5 YR
2385-85-5	Mirex	(4)	(5)		G or C	1/5 YR
56-38-2	Parathion	(4)	(5)		G or C	1/5 YR
1336-36-3	PCB Total	608	7.0		G or C	1/5 YR
8001-35-2	Toxaphene	608	5.0		G or C	1/5 YR
BASE NEUTRAL EXTRACTABLES						
83-32-9	Acenaphthene	625	10.0		G or C	1/5 YR
120-12-7	Anthracene	625	10.0		G or C	1/5 YR
92-87-5	Benzidine	(4)	(5)		G or C	1/5 YR
56-55-3	Benzo (a) anthracene	625	10.0		G or C	1/5 YR
205-99-2	Benzo (b) fluoranthene	625	10.0		G or C	1/5 YR
207-08-9	Benzo (k) fluoranthene	625	10.0		G or C	1/5 YR
50-32-8	Benzo (a) pyrene	625	10.0		G or C	1/5 YR
111-44-4	Bis 2-Chloroethyl Ether	(4)	(5)		G or C	1/5 YR
108-60-1	Bis 2-Chloroisopropyl Ether	(4)	(5)		G or C	1/5 YR
85-68-7	Butyl benzyl phthalate	625	10.0		G or C	1/5 YR
91-58-7	2-Chloronaphthalene	(4)	(5)		G or C	1/5 YR
218-01-9	Chrysene	625	10.0		G or C	1/5 YR

CASRN#	CHEMICAL	EPA ANALYSIS NO.	QUANTIFICATION LEVEL[1]	REPORTING RESULTS	SAMPLE TYPE[2]	SAMPLE FREQUENCY
53-70-3	Dibenz(a,h)anthracene	625	20.0		G or C	1/5 YR
84-74-2	Dibutyl phthalate (synonym = Di-n-Butyl Phthalate)	625	10.0		G or C	1/5 YR
95-50-1	1,2-Dichlorobenzene	624	10.0		G or C	1/5 YR
541-73-1	1,3-Dichlorobenzene	624	10.0		G or C	1/5 YR
106-46-7	1,4-Dichlorobenzene	624	10.0		G or C	1/5 YR
91-94-1	3,3-Dichlorobenzidine	(4)	(5)		G or C	1/5 YR
84-66-2	Diethyl phthalate	625	10.0		G or C	1/5 YR
117-81-7	Bis-2-ethylhexyl phthalate	625	10.0		G or C	1/5 YR
131-11-3	Dimethyl phthalate	(4)	(5)		G or C	1/5 YR
121-14-2	2,4-Dinitrotoluene	625	10.0		G or C	1/5 YR
122-66-7	1,2-Diphenylhydrazine	(4)	(5)		G or C	1/5 YR
206-44-0	Fluoranthene	625	10.0		G or C	1/5 YR
86-73-7	Fluorene	625	10.0		G or C	1/5 YR
118-74-1	Hexachlorobenzene	(4)	(5)		G or C	1/5 YR
87-68-3	Hexachlorobutadiene	(4)	(5)		G or C	1/5 YR
77-47-4	Hexachlorocyclopentadiene	(4)	(5)		G or C	1/5 YR
67-72-1	Hexachloroethane	(4)	(5)		G or C	1/5 YR
193-39-5	Indeno(1,2,3-cd)pyrene	625	20.0		G or C	1/5 YR
78-59-1	Isophorone	625	10.0		G or C	1/5 YR
98-95-3	Nitrobenzene	625	10.0		G or C	1/5 YR
62-75-9	N-Nitrosodimethylamine	(4)	(5)		G or C	1/5 YR
621-64-7	N-Nitrosodi-n-propylamine	(4)	(5)		G or C	1/5 YR
86-30-6	N-Nitrosodiphenylamine	(4)	(5)		G or C	1/5 YR
129-00-0	Pyrene	625	10.0		G or C	1/5 YR
120-82-1	1,2,4-Trichlorobenzene	625	10.0		G or C	1/5 YR
VOLATILES						
107-02-8	Acrolein	(4)	(5)		G	1/5 YR
107-13-1	Acrylonitrile	(4)	(5)		G	1/5 YR
71-43-2	Benzene	624	10.0		G	1/5 YR

CASRN#	CHEMICAL	EPA ANALYSIS NO.	QUANTIFICATION LEVEL[1]	REPORTING RESULTS	SAMPLE TYPE[2]	SAMPLE FREQUENCY
75-25-2	Bromoform	624	10.0		G	1/5 YR
56-23-5	Carbon Tetrachloride	624	10.0		G	1/5 YR
108-90-7	Chlorobenzene (synonym = monochlorobenzene)	624	50.0		G	1/5 YR
124-48-1	Chlorodibromomethane	624	10.0		G	1/5 YR
67-66-3	Chloroform	624	10.0		G	1/5 YR
75-09-2	Dichloromethane (synonym = methylene chloride)	624	20.0		G	1/5 YR
75-27-4	Dichlorobromomethane	624	10.0		G	1/5 YR
107-06-2	1,2-Dichloroethane	624	10.0		G	1/5 YR
75-35-4	1,1-Dichloroethylene	624	10.0		G	1/5 YR
156-60-5	1,2-trans-dichloroethylene	(4)	(5)		G	1/5 YR
78-87-5	1,2-Dichloropropane	(4)	(5)		G	1/5 YR
542-75-6	1,3-Dichloropropene	(4)	(5)		G	1/5 YR
100-41-4	Ethylbenzene	624	10.0		G	1/5 YR
74-83-9	Methyl Bromide	(4)	(5)		G	1/5 YR
79-34-5	1,1,2,2-Tetrachloroethane	(4)	(5)		G	1/5 YR
127-18-4	Tetrachloroethylene	624	10.0		G	1/5 YR
10-88-3	Toluene	624	10.0		G	1/5 YR
79-00-5	1,1,2-Trichloroethane	(4)	(5)		G	1/5 YR
79-01-6	Trichloroethylene	624	10.0		G	1/5 YR
75-01-4	Vinyl Chloride	624	10.0		G	1/5 YR
ACID EXTRACTABLES [6]						
95-57-8	2-Chlorophenol	625	10.0		G or C	1/5 YR
120-83-2	2,4 Dichlorophenol	625	10.0		G or C	1/5 YR
105-67-9	2,4 Dimethylphenol	625	10.0		G or C	1/5 YR
51-28-5	2,4-Dinitrophenol	(4)	(5)		G or C	1/5 YR
534-52-1	2-Methyl-4,6-Dinitrophenol	(4)	(5)		G or C	1/5 YR
25154-52-3	Nonylphenol	(5)	(5)		G or C	1/5 YR
87-86-5	Pentachlorophenol	625	50.0		G or C	1/5 YR
108-95-2	Phenol	625	10.0		G or C	1/5 YR

CASRN#	CHEMICAL	EPA ANALYSIS NO.	QUANTIFICATION LEVEL(1)	REPORTING RESULTS	SAMPLE TYPE(2)	SAMPLE FREQUENCY
88-06-2	2,4,6-Trichlorophenol	625	10.0		G or C	1/5 YR
MISCELLANEOUS						
776-41-7	Ammonia as NH3-N	350.1	200		C	1/5 YR
7782-50-5	Chlorine Produced Oxidant	(4)	(5)		G	1/5 YR
7782-50-5	Chlorine, Total Residual	(4)	100		G	1/5 YR
57-12-5	Cyanide, Free	(4)	10.0		G	1/5 YR
N/A	*E. coli* / *Enterococcus* (N/CML)	(4)	(5)		G	1/5 YR
7783-06-4	Hydrogen Sulfide	(5)	(5)		G	1/5 YR
60-10-5	Tributyltin (7)	NBSR 85-3295	(5)		G or C	1/5 YR
	Hardness (mg/L as $CaCO_3$)	(4)	(5)		G or C (10)	1/5 YR

Name of Principal Exec. Officer or Authorized Agent/Title

Signature of Principal Officer or Authorized Agent/Date

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. See 18 U.S.C. Sec. 1001 and 33 U.S.C. Sec. 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)

FOOTNOTES:

(1) Quantification level (QL) is defined as the lowest concentration used for the calibration of a measurement system when the calibration is in accordance with the procedures published for the required method.

The quantification levels indicated for the metals are actually Specific Target Values developed for this permit. The Specific Target Value is the approximate value that may initiate a wasteload allocation analysis. Target values are not wasteload allocations or effluent limitations. The Specific Target Values are subject to change based on additional information such as hardness data, receiving stream flow, and design flows.

Units for the quantification level are micrograms/liter unless otherwise specified.

Quality control and quality assurance information shall be submitted to document that the required quantification level has been attained.

(2) Sample Type

G = Grab = An individual sample collected in less than 15 minutes. Substances specified with "grab" sample

type shall only be collected as grabs. The permittee may analyze multiple grabs and report the average results provided that the individual grab results are also reported. For grab metals samples, the individual samples shall be filtered and preserved immediately upon collection.

C = Composite = A 24-hour **(PW - Revise as required to require same composite duration as BOD_5)** composite unless otherwise specified. The composite shall be a combination of individual samples, taken proportional to flow, obtained at hourly or smaller time intervals. The individual samples may be of equal volume for flows that do not vary by +/- 10 percent over a 24-hour period.

(3) A specific analytical method is not specified; however a target value for each metal has been established. An appropriate method to meet the target value shall be selected from the following list of EPA methods (or any approved method presented in 40 CFR Part 136). If the test result is less than the method QL, a "<[QL]" shall be reported where the actual analytical test QL is substituted for [QL].

Metal	**Analytical Method**
Antimony	1638; 1639
Arsenic	1632
Chromium[(8)]	1639
Cadmium	1637; 1638; 1639; 1640
Chromium VI	1639
Copper	1638; 1640
Lead	1637; 1638; 1640
Mercury	1631
Nickel	1638; 1639; 1640
Selenium	1638; 1639
Silver	1638
Zinc	1638; 1639

(4) Any approved method presented in 40 CFR Part 136.

(5) The QL is at the discretion of the permittee. For any substances addressed in 40 CFR Part 136, the permittee shall use one of the approved methods in 40 CFR Part 136.

(6) Testing for phenols requires continuous extraction.

(7) Analytical Methods: NBSR 85-3295 or DEQ's approved analysis for Tributyltin may also be used [See A Manual for the Analysis of Butyltins in Environmental Systems by the Virginia Institute of Marine Science, dated November 1996].

(8) Both Chromium III and Chromium VI may be measured by the total chromium analysis. If the result of the total chromium analysis is less than or equal to the lesser of the Chromium III or Chromium VI method QL, the results for both Chromium III and Chromium VI can be reported as "<[QL]", where the actual analytical test QL is substituted for [QL].

(9) The lab may use SW846 Method 8270D provided the lab has an Initial Demonstration of Capability, has passed a PT for Kepone, and meets the acceptance criteria for Kepone as given in Method 8270D

(10) The sample type for Hardness (as $CaCO_3$) shall match the sample type selected for Dissolved Metals.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records

1. Records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) and time(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

   DEQ - Piedmont Regional Office
   4949-A Cox Road
   Glen Allen, VA 23060

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved, or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limits which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F 1; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F 1, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

6. If the discharge is continuing, how long it is expected to continue;

7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit. Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;

2. Breakdown of processing or accessory equipment;

3. Failure or taking out of service some or all of the treatment works; and

4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
    a. Any unanticipated bypass; and
    b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:
    a. A description of the noncompliance and its cause;
    b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
    c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

    The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I.1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I.2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (804) 527-5020 or fax (804) 527-5106. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
    a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the

construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulation; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility

for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any

other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate licensed operator staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice
    a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
    b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.
    a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
        (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
        (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance

during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limits if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   a. An upset occurred and that the permittee can identify the cause(s) of the upset;
   b. The permitted facility was at the time being properly operated; and
   c. The permittee submitted notice of the upset as required in Part II I 2.
   d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection time unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of Permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or

operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
    a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
    b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
    c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be a